

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA**

ELIZABETH SINES et al.

: Case No. 3:17-cv-00072

Plaintiff

: Judge MOON

:

-v-

JASON KESSLER et al.

:

:

Defendants

DECLARATION OF JOHN A. DINUCCI

Mr. John A. DiNucci, having been duly cautioned, declares and states as follows:

1. This declaration is based on personal knowledge.
2. Attached hereto are true copies of a) request for production of documents I served on Plaintiff Tyler Magill on June 20, 2018; b) an email I sent to Plaintiff's attorney Gabrielle Tenzer on December 18, 2018 detailing deficiencies in discovery responses, including those of Mr. Magill, and c) a letter I sent to Plaintiff's attorney Gabrielle Tenzer on January 21, 2019 specifically detailing Mr. Magill's failure to provide any medical records in responding to discovery.
3. To date, Mr. Magill has still not provided medical records in response to properly issued discovery. For example, the undersigned Counsel has not seen in any document production any records from any Hospital at which Mr. Magill might have been treated for any of the injuries he allegedly sustained or any report of any physician.
4. I cannot depose Mr. Magill until he has properly responded to discovery.

I declare under penalty of perjury that the foregoing is true and correct. Executed on February 21, 2019.

John A. DiNucci